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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,736	03/30/2005	Zvika Gilad	P4463-US	1997
49443	7590	03/21/2008		
Pearl Cohen Zedek Latzer, LLP 1500 Broadway 12th Floor New York, NY 10036			EXAMINER LEUBECKER, JOHN P	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/529,736	Applicant(s) GILAD ET AL.	
	Examiner John P. Leubecker	Art Unit 3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/29/07</u> . | 6) <input type="checkbox"/> Other: _____ |

Specification

1. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Objections

2. Claims 14, 18, 19, 21, 22, 24 and 32 are objected to because of the following informalities:

a) in claim 14, the preamble "The circuit board..." improperly refers back to a single element of the combination (i.e., imaging device) and not the combination itself.

b) in claims 18 and 19, the preamble "The circuit device" is improper since these claims refer back to an "imaging device".

c) in claims 21 and 22, the preamble "The image sensor..." improperly refers back to a single element of the combination (i.e., imaging device) and not the combination itself.

d) in claim 24, the preamble "The circuit board..." improperly refers back to a single element of the combination (i.e., imaging device) and not the combination itself.

e) in claim 32, the preamble "The capsule" is improper since claim 25, from which claim 32 depends, is not describing a capsule.

. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 21 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 21 mentions a “niche configured for accommodating a side edge of a second circuit board”. Notwithstanding the fact that the specification describes the “niche” as a cutout in one circuit board to accommodate batteries (e.g., page 11, lines 3-14, Fig.4), the specification fails to describe an embodiment wherein a circuit board extends perpendicular to the image sensor (i.e., claim 20, from which claim 21 depends) and that combination includes a niche configured to accommodate a second circuit board. In either case, whether it is the image sensor or circuit board of claim 20 that encompasses the “niche”, claim 21 would be either describing an image sensor with a niche and two circuit boards, or a perpendicular circuit board (to the image sensor) with a niche for accommodating a second circuit board. Neither of these combinations are described in the specification.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 17, 18, 22, 32 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 17 and 18, term “the circuit device” lacks antecedent basis.

As to claim 22, term “the other circuit board” lacks antecedent basis.

As to claim 32, recitation of “a transmitter” when such has previously been recited in the combination (i.e., in claim 25) is indefinite as to the nature of such a redundant recitation.

As to claim 33, this claim is a duplicate of claim 9 and is therefore improper.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-7, 12-20, 23, 24 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Anvi (US 2004/017914).

Anvi disclose a capsule including a window (21), a first circuit board (e.g., 33, Fig.1) including an image sensor (24) and LEDs (23) and a second circuit board (32',35,32,31)

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comprising a transmitter/processor (26,[0010]), a batteries (25) and antenna (27). The second circuit board extends perpendicular to the first from a side opposite the image sensor (Fig.1) and is mechanically and electrically connected to the first circuit board through a flexible bend. It is noted that the circuit boards are configured to accommodate electrical components and thus are configured to accommodate any components, including an ASIC or transmitter (though claims 6 and 7 do not positively require such components).

9. Claims 1, 2, 5-11, 13-24, 26-31 and 33 are rejected under 35 U.S.C. 102(a or e) as being anticipated by Gazdzinski (US 2002/0103417).

Gazdzinski discloses a capsule including a window (306a,306b, Fig.5), a first circuit board (not numbered but show as rectangular cross-hatched element to which the image sensor 402 is attached, Fig.5) and a second circuit board (510, the one attached to the first circuit board in Fig.5) extending perpendicularly from one side of the first circuit board and including a LED (504) and fiber optic light guide (506). Second circuit board is mechanically and electrically attached to the first circuit board (Fig.5) since the image sensor is electrically connected to the other components ([0049]), which include a processor (512,514,520) and transmitter (526). As to claims 26-28, data transfer antenna (532, Fig.5) extends to the exterior housing at least on either side of the other circuitry/circuit boards, thus "substantially surrounding" those elements. As to claims 29 and 30, terminals 716 (and associated coil antenna, Fig.5) constitute an antenna disposed between the imager (402) and a power source (source of power in MCD 800, Fig.8). The power source can include a battery (last half of [0049]).

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10. Claims 25-30 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Eguchi et al. (JP 2001104241).

As to claim 25, Eguchi et al. disclose a circuit board (130,140, Fig.4) comprising a transmitter (131), imager (11), and antenna (141) being embedded in circuit board (140) and which surrounds the circuitry/other circuit boards (e.g., 120,130). Antenna (141) extends between battery (101) and imager (111) (note Fig.5).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 20030130562 A1	Barbato, Louis J. et al.	US-PGPUB
US 20030032863 A1	Kazakevich, Yuri	US-PGPUB
US 6939292 B2	Mizuno; Hitoshi	USPAT
US 6547721 B1	Higuma; Masakazu et al.	USPAT
US 5857963 A	Pelchy; Thomas Edward et al.	USPAT
US 5754313 A	Pelchy; Thomas Edward et al.	USPAT
US 5220198 A	Tsuji; Kiyoshi	USPAT
US 5021888 A	Kondou; Yuu et al.	USPAT
US 20060241407 A1	Scarantino; Charles W. et al.	US-PGPUB
US 6371927 B1	Brune; Scott A. et al.	USPAT
US 6400338 B1	Mejia; Ezequiel et al.	USPAT

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Leubecker whose telephone number is (571) 272-4769. The examiner can normally be reached on Monday through Friday, 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John P. Leubecker/
Primary Examiner
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jpl